

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

1804 SECOND AVE., NY, LLC,

Debtor
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Chapter 11

Case No. 11-

**CERTIFICATION OF KENNETH J. BIRNBAUM IN
SUPPORT OF CHAPTER 11 PETITION OF 1804 SECOND AVE., NY, LLC**

I, Kenneth J. Birnbaum, being of full age, certify pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am the Managing Member of 1804 Second Ave., NY, LLC (the “Debtor”). As such, I am fully familiar with the Debtor’s business affairs and am authorized to make this certification on the Debtor’s behalf.

2. This Certification is made pursuant to Local Bankruptcy Rule 1007-2, in support of the Debtor’s Bankruptcy petition.

3. The Debtor is a New York limited liability that owns a 4-story walk-up apartment building containing 24 apartments and 2 ground floor commercial units located at 1804 Second Avenue, New York, New York (the “Property”). The Debtor has entered into leases for all of the apartments and commercial units and has a rent roll of approximately \$55,000 per month (the “Rent”).

4. The Debtor is seeking bankruptcy protection due to a foreclosure action commenced by Capital One Bank.

5. There was no committee organized prior to the filing of the Debtor’s chapter 11 case.

6. The Debtor's 20 largest unsecured creditors are:

Creditor Name and Address	Claim Amount	Basis of Claim	Contingent/Unliquidated/Disputed/Partially Secured
Andrea Betts 1804 Second Avenue Apartment 1B New York, NY 10128	\$1,250.00	Security Deposit	No
Brian Howe 1804 Second Avenue Apartment 3D New York, NY 10128	\$1,300.00	Security Deposit	No
Christine Sullivan 1804 Second Avenue Apartment 1D New York, NY 10128	\$1,300.00	Security Deposit	No
Crowe Management LLC 1804 Second Avenue New York, NY 10128	\$37,000.00	Security Deposit	No
Debra Malony 9 Salvatore Circle Swedesboro, NJ 08085	\$1,350.00	Security Deposit	No
Elvira Marin 1804 Second Avenue Apartment 2G New York, NY 10128	\$1,300.00	Security Deposit	No
H&L Food Corporation 1804 Second Avenue Store 2 New York, NY 10128	\$37,500.00	Security Deposit	No
Jacqueline Aliotti 1804 Second Avenue Apartment 2D New York, NY 10128	\$1,300.00	Security Deposit	No
Jessica Samakow 1804 Second Avenue Apartment 1G New York, NY 10128	\$1,300.00	Security Deposit	No

Kathryn Carey 1804 Second Avenue Apartment 1E New York, NY 10128	\$1,350.00	Security Deposit	No
Kristin Patrician 1804 Second Avenue Apartment 3A New York, NY 10128	\$1,300.00	Security Deposit	No
Kristine Kaw	\$1,440.65	Security Deposit	No
Laula Nugmanova 1804 Second Avenue Apartment 2F New York, NY 10128	\$1,200.00	Security Deposit	No
Mallory Staley	\$1,250.00	Security Deposit	No
Megan Himel	\$1,250.00	Security Deposit	No
Ney Tun	\$1,525.00	Security Deposit	No
NYC Water Board P.O. Box 410 Church Street Station New York, NY 10008	\$39,929.06	Basic Water and Sewer	No
Rockaway Fuel 729 E. 140 th Street Bronx, NY 10454	\$7,854.88	Oil and Fuel	No
Shitji Gupta 1804 Second Avenue Apartment 2E New York, NY 10128	\$1,200.00	Security Deposit	No
Tipton Brigitte 2004 Broad Hill Farms Road Corapolis, PA 15108	\$1,250.00	Security Deposit	No

7. The Debtor's five largest secured creditors are:

Creditor Name and Address	Claim Amount	Basis of Claim	Collateral Securing Claim	Disputed Claim or Lien
Capital One Bank	\$5,245,000.00	First and Second Mortgage	Property and rents	No

8. The Debtor's assets and liabilities may be generally summarized as follows:

Assets

Real Property	\$9,500,000.00
Bank account	\$ 112.93
Rent Arrears	\$ 73,000.00
Total:	\$9,573,112.93

Liabilities

Secured Creditors	\$5,245,000.00
Priority Creditors	\$ 107,492.48
General Unsecured Creditors	\$ 48,233.94
Total:	\$5,400,726.40

9. There are no shares of stock, debentures or other securities of the Debtor that are publicly held.

10. There is no property in the possession or custody of any custodian, public official, mortgagee, pledgee, assignee of rents or secured creditor.

11. The Debtor owns the real property located at 1804 Second Avenue, New York, New York.

12. The Debtor's assets and books and records are located at 280 Madison Avenue, New York, New York. There are no assets held by the Debtor outside the territorial limits of the United States.

13. Capital One Bank has commenced a foreclosure action against the Debtor.

14. The Debtor's management is comprised of Kenneth J. Birnbaum, the managing member and sole owner of the Debtor. As managing member, I am responsible for the day to day operations of the Debtor, including collection of rents.

15. The Debtor intends to continue operating its business. As such, the Debtor provides the following information is required by Local Bankruptcy Rule 1007-2(b):

a. The Debtor has no employees.

b. The Debtor proposes to pay to Kenneth J. Birnbaum, managing member, for the 30 day period following the petition date, an amount equal to 7½ percent of the rents collected.

c. Schedule of receipts and disbursements for 30 day post-petition period

Estimated receipts	\$55,000.00
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Estimated disbursements	\$49,000.00
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Net gain	\$ 6,000.00
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d. Obligations which are anticipated to accrue during the next 30 days but remain unpaid: None

I certify under penalty of perjury that the above statements made by me are correct. I am aware that if any of the above statements made by me are willfully false, I am subject to punishment.

By: /s/ Kenneth J. Birnbaum
Kenneth J. Birnbaum

Dated: January 20, 2011
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